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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,189	01/26/2004	David Bieber	01876.0039	6440
7590	04/07/2005		EXAMINER	
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, DC 20005-3315			ROYAL, PAUL	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/763,189	BIEBER, DAVID	
	Examiner Paul Royal	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-60 is/are rejected.
- 7) Claim(s) 39 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 January 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Objections

1. Claim 39 is objected to because of the following informalities: line 2, last word is "th" which should be "the". Appropriate correction is required.
2. Claim 44 recites the limitation "transparent pane" in line 2. As best understood, applicant intended this claim to depend from claim 43 which immediately precedes claim 43 and in which the transparent pane is a proper claim limitation.

For the purposes of furthering prosecution of the claim on the merits, claim 44 has been treated as if it depends from claim 43.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 9, 12, 13, 37-39, 41, 43-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Young (US 6,058,640).

Young teaches a transparency display apparatus comprising:

a display sleeve (10) having at least one open end, and

wherein the display sleeve comprises a front side (12) having a border and a window (16), the window (16) having a perimeter defined at least partially by the border (12),

and the display sleeve further comprising a continuous back side (14) opposite to the front side (12),

wherein the front and back sides are sealed along two respective edges, not attached along two other respective edges and are flexible so as to permit at least a portion of the article of merchandise to be passed into an interior of the display sleeve via the at least one open end of the display sleeve;

a transparent sleeve/pane (26,48) associated with the window (16) and disposed between the front (12) and back (14) sides of the sleeve display (10); and
an information sheet/panel (20) removably disposed within the display sleeve,

the information sheet is sized larger than the window (16),
the information sheet having edges not visible through the window (16),
the information sheet further comprising information pertaining to the article of merchandise, and
the information being visible through the window (16);

wherein the advertisement arrangement is further configured to allow the information sheet (20) to be exchanged for a different information sheet.

Note, where the printed matter is not functionally related to the substrate/information sheet the printed matter does not distinguish the invention from

the prior art in terms of patentability, see MPEP 2112.01 [R-2] paragraph III, therefore the limitations such as “wherein the information pertaining to the article of merchandise is likely to induce a customer to purchase the article of merchandise” otherwise to the printed matter have not been given patentable weight.

Note, where the display sleeve provides for the insertion and removal of information sheets, the display sleeve is understood to be configured to receive a portion of the article of merchandise within the display sleeve because the article of merchandise can be inserted/removed where the front and back sides are flexible so as to permit at least a portion of the article of merchandise to be passed into an interior of the display sleeve via the at least one open end of the display sleeve.

Note, the transparent sleeve is comprised of two transparent panes (26,48) that together or individually hold the information sheet and the panels together present a sleeve having an open end and where the pane attached to the display sleeve front side attached the sleeve to the display sleeve front side.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8, 40, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US 6,058,640) as applied to claims 5, 39 and 52.

Young teaches the claimed invention except wherein the transparent sleeve and the information sheet have dimensions of approximately 8 ½ inches by approximately 11 inches.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display apparatus of Young, as applied to claims 5, 39, and 52 such that the transparent sleeve and the information sheet have dimensions of approximately 8 ½ inches by approximately 11 inches so the display apparatus can be utilized in conjunction with standard transparency display equipment.

5. Claims 10-11, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young, as applied to claims 1 and 37, in view of Polzin (5,025,581).

Young teaches the claimed invention except wherein the transparent sleeve is formed of at least one of a poster-board paper and cardboard and wherein the sleeve comprises a fold attaching the front and back sides at one side edge.

Polzin teaches a display holder wherein the top and bottom layers (1,3) are assembled of paper to allow a photograph to be removably inserted.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display apparatus of Young, as applied to claims 1 and 37, such that the top and bottom layers are assembled of paper, as taught by Polzin, to allow a photograph to be removably inserted and to include wherein the sleeve comprises a fold attaching the front and back sides at one side edge where this would make the front and

back sides unitary since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

6. Claims 14-26, 27-36, and 54-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US 6,058,640) in view of Geiser et al. (US Des 419,303).

Young teaches a transparency display apparatus comprising the limitations of claims 1-13, 37-53 as respectively presented, where the transparency display is understood to be the same as applicant's advertisement arrangement.

Young does not teach the advertisement arrangement being attached to an article of merchandise to form a display.

Geiser et al. teaches an identification and personalization handle cover including a display sleeve disposed about at least a portion of a handle of luggage.

It would have been obvious to one of ordinary skill in the art at the time of the invention to dispose the display sleeve of Young, as applied to claims 1-13, 37-53, as respectively applicable, about at least a portion of the handle of the luggage, to provide a display which presents luggage identification and personalization information.

For claim 16, Young in view of Geiser et al., as applied to claim 15, discloses the claimed invention except for a second article of luggage and a second advertisement arrangement. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide additional articles of luggage and additional advertisement arrangements, since it has been held that mere duplication of the essential working parts of a device only involves routine skill in the art.

For claims 27-36, the recited advertisement holder is understood to be the same as applicants display sleeve and the methods claimed are the inherent to the advertising arrangements and display of claims 1-26.

For claim 34, note where the display sleeve is disposed about at least a portion of the handle of the luggage, a portion of the trolley handle passes into the interior of the display sleeve/advertisement holder.

For claim 58, where the display sleeve is disposed about at least a portion of the handle of the luggage/article of merchandise, the transparent sleeve within the display sleeve is understood to wrap around the merchandise by wrapping around the handle.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barton teaches a food pouch with an integrated collar. Grossos teaches an insert holder. Franklin et al. teaches a wheeled garment bag. Cleveland teaches a luggage wrap. Hydon teaches a luggage handle cover with ID tag.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 571-272-6652. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul Royal
Examiner
Art Unit 3611

P. Royal
4/4/05



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